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ABSTRACT

This manual, based upon legal requirements and school experiences of Massachusetts, is intended to help get alternative schools off the ground and keep them out of trouble with state and local authorities, though in fact existing alternative schools have had few legal problems thus far. The first section of the manual provides sketches of some alternative schools in Massachusetts. These schools have been started by people of all sorts, and it is hoped that the sketches open up a few new possibilities. A second section covering state regulation of alternative schools includes the requirements concerning certification, compulsory attendance, curriculum, teacher qualifications, admissibility back to public schools, diplomas, accreditation, building code regulations, safety standards, etc. Other sections cover liability insurance; the economics of alternative schools, including both private and public aid; incorporation; and taxation. Where to Get Help, outlines resource for educational and legal assistance. A list of legal services offices in the Commonwealth and a list of alternative schools in Massachusetts conclude the manual. While some of the advice on federal funding may find application in other states, the manual should not be assumed to describe requirements or give advice for other states. (Author/JLB)

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ALTERNATIVE SCHOOLS

a practical manual

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May 1971

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This manual is intended to help get alternative schools off the ground and keep them out of trouble with state and local authorities. If at times our tone seems over-cautious, we should emphasize that existing alternative schools have had few legal problems so far. The atmosphere in Massachusetts seems neutral toward such schools, at worst, although this might change if alternative schools proliferate. There are some localities where things are more difficult. Nevertheless, the major problems which the new schools have faced so far are economic, not legal. Although the information is not always complete, it should serve to create a feeling for some of the possibilities of opening up and some of the problems built into starting a new school.

We believe that anyone should be free to work out any educational processes and structures he so desires. Knowledge of legal and economic problems should merely be a first step in figuring out how you can exist as you want to within the state. It should not be construed as a checklist of compromises which you must make with your own value.

Nothing in the manual is a substitute for visiting existing alternatives to the present school system, or consulting lawyers or other persons experienced in helping alternative schools. Every new school will be unique and so will every technical and legal problem. At the end of the manual you will find a list of people and places known to be helpful.

We have not included information or suggestions on what kind of school is beneficial to what kind of people. We do not believe such an attempt would be honest. Also, while many schools and other new cooperatives have started to accumulate experience about the personal dynamics of running schools or communities, the complexity of this area requires that it be left for another manual. Perhaps something can be built upon this first attempt.

Most important, we do not believe in the separation of students and parents and teachers from the basic decisions of education. We cannot see the validity of separating producers from consumers in education and we believe that the authoritarian, bureaucratic, and hierarchical fantasies of most of our schools are responsible for the moribund state of education around us. This does not mean to us that everyone should simply "do his own thing." There are communities of friends and interests and struggle to which we all belong, and for which we must work. We go no further here than to present a crude tool which may help people fashion their own communities of learning.

SKETCHES OF SOME ALTERNATIVE SCHOOLS

More than a dozen alternative schools already exist in the Greater Boston area, with others scattered around the Commonwealth. No clear definition can be made of these schools except that they all seem to be born of frustration with the standard educational system -- public and private. Some of these schools serve primarily middle-class children, some serve the black community, others are mixed. Some place emphasis on freedom from the usual constraints of curriculum and teacher directed learning, others emphasize relationship to the community -- education within it and control by it. All seem to share two basic attributes: respect for the individual student and a concentrated effort to break down the mind-dulling traditional patterns of education.

Following are some brief sketches of a few alternative schools. These sketches are not meant to be complete and may in some places give perceptions which persons associated with the school described would modify. The purpose of the sketches is to convey in real terms the fact that there are alternatives which have been started by people of all sorts. We hope this opens up a few new possibilities. At the end of this manual is a list of alternative schools in Massachusetts.

highland park

Highland Park Free School is a community school in almost every sense of the word. Its present Director, Charles E. Lawrence, states its purpose this way: "We are educating the total community, not just educating kids."

The school's governance and operation is in the hands of the parents, from the governing board to the personnel committee (hiring and firing) to the community teachers in every classroom. The population of the school, as of the Highland Park area of Roxbury, is over 80% black. Over 80% of the students also come from homes where the income is under $1000 per family member. Every major decision is made by these parents, and as a result there is a growing sophistication in the skills of educating children, administering a school, and working cooperatively. Power sharing is not an abstract principle at Highland Park.

The genesis of the school lies in painful awareness of the inadequacies of public schools. A year and a half ago, before he became director of Highland Park, Charles Lawrence wrote an article about free schools in which he gave a description of this awareness:

> The black community school, more than any of the other alternatives, is the product of a destructive and unresponsive public school system. Accounts of the criminal behavior of public schools "serving" poor black communities multiply endlessly.

> Increasingly, black parents are questioning the legitimacy of an absentee school system which fails to educate their children then blames the failure on the community, adding insult to injury in the most literal fashion. They see the public system's lack of success not simply as a job badly done, but as a deliberate racist attempt to continue black exclusion from the society.
>
> It is not surprising that parents who view the public system as promoting educational genocide should look elsewhere for an education for their children. Nor is it surprising that the schools that result from these impulses should strongly assert what is most strongly denied in the public schools they are fleeing. It is not surprising that children in these schools are told that they are beautiful and capable and not that they are ugly and stupid. It is not surprising that parents and community people are encouraged to help run the school rather than treated as an unprofessional and intrusive rabble.

The control of the school by parents is only one of the steps which Highland Park has taken toward educating the community. The curriculum at the school and its staffing pattern also reflect this philosophy. In the lower school (k-6) where most of the children have not been heavily damaged by experiences in public school, classrooms are open-structure and ungraded with heavy emphasis on relating to the individual learning styles and interests of students. Every classroom is different - in response to the students and teachers who inhabit it. In the Director's words:

> Highland Park is committed to experimentation, not to Summerhill or Montessori or basic education or Marshall McCluhan. All are welcome. The teachers decide on what is best for their particular group of kids and for their own particular abilities. In one classroom you see all the desks arranged in a hollow square with the teacher in the center leading an old-fashioned session of rote learning. Next door the children may be bouncing off every wall in the room, fingerpainting, writing poems, dancing, and dipping fall leaves in hot wax. Obviously, what the school will look like next year, or even next month, is not clear.

Every classroom has two teachers -- a community teacher who is in charge and a certified teacher who provides technical assistance and works cooperatively with the community teacher. There is emphasis on pride in being black and on the study of black history in America and Africa as well as all the basic skills. Malcom X's birthday is a holiday, George Washington's is not.

The upper school is somewhat more structured since it poses at present a fundamentally different problem -- students whose experience in public schools has been so long and so destructive that they are turned off about learning. Here there is even greater emphasis on the unity of the school and on the pride of blackness.

Highland Park has 200 students and has been in operation for three years. It has 22 full-time staff members. It is one of three members of the Federation of Boston Community Schools. Its financial support is drawn from foundation grants, government contracts and programs, private contributions, benefits, and the hustle hustle of its parents and staff. There is no tuition. It is located in a large grey building which once housed a Catholic school. The statue of Jesus in the yard is painted black. On one wall of the school a child has painted "happiness is the Highland Park Free School."

central school

The Central School is a small pre-school located in an East Cambridge building donated by the owner of the Squirrel Brand Nut Factory. Its basic philosophy is to bring change to the public school.

The first element of this strategy takes place in the classroom. The student body is a careful cross section of racial, economic and social groups. The teaching and learning take place in an open structure classroom. Parents are intimately connected with this activity not only in formal governance but in the daily work of the school. The result has been to increase parents' expectations about what "school" can be like and to familiarize them with open structure techniques.

Parents also participate in seminars and other learning activities which increase their skills in dealing with school administration and education. After having watched their children grow at Central and having participated in these seminars and the governance of the school, it is hoped that these parents will become articulate and knowledgeable spokesmen for change in the public schools their children later attend.

But the change strategy does not end here. Strenuous efforts are made to involve local public school teachers in the activities of the school, to familiarize them with the benefits of the school's teaching methods, and to work with them on experimentation of their own. Five universities use it as a teacher training center.

On top of all this, Central keeps in contact with its students as they enter public school, and the growing group of experienced alumni parents from a support organization for changing the public school to meet the needs of these children.

The school has three full-time teachers, a parent coordinator, a secretary, and a director. Its income is derived from government and private grants and from a tuition which peaks at $600 and is scaled down to zero according to ability to pay. About half of the students pay no tuition at all. The admissions procedure is conducted by a parent committee which concerns itself with new parents' interest and willingness to take part in the school's activities. Beyond this, selection is random within categories designed to achieve a balance in the student body: 50% middle class kids, black and white; 50% lower class and poor black and white; and 50% male, 50% female. The school has started to call itself what it really is: community learning center for kids, parents and teachers.

warehouse cooperative

The Warehouse Cooperative School has attempted to become an educational alternative for those students who most obviously cannot benefit from the offerings and structure of the public schools. Among the original purposes of the school were to teach "otherwise normal individuals who are not benefiting from customary classroom instruction because of some moderate learning disability be it psychological, physical or sociological." This has meant the admission of exceptionally bright students as well as students having problems integrating socially within the public schools. The school prides itself on responsiveness to the individual, since it is the rigid structure of previous schooling which has been unsuited to these students.

Every student has an advisor from the staff of eight full-time adults. The 81 students range in age from five to eighteen. Attendance at school is based upon interest rather than external requirements, with the range of activities moving from classes to individual projects to temporarily forgoing school until the student again becomes interested in something there. Many of the classes and activities make no age distinctions. At one point course offerings included logic, making up a language, the myth of woman, yoga, medieval history and chemistry.

The physical space occupied by the school is structured in an attempt to provide the needed individual freedom as well as opportunities for group work. In addition to areas set aside for different age groups -- little, middle and big kids as they are called -- each student has a "space." These spaces are 4-by-5 foot enclosed areas located together in one large room. Each student can use the space for whatever he pleases. Spaces are traded, used for solitary times, small group gatherings, playhouses, or studying. One student boarded up the front of his space and made the only entrance through the side wall of his neighbor's space.

The term "cooperative" in the school's title explains the ownership of the enterprise. While there is a director and a strong staff, the ownership of the school is in the hands of the parents whose children attend. This is in accord with the school's belief that each of society's institutions should be owned and controlled by the adults most closely concerned with it. The student body of the school is predominantly white and the students' families have a wide range of incomes. There is a graduated tuition based on family income after taxes with allowances for dependents. The students are drawn from many different communities in the eastern part of the state.

The cooperative aspect of the school is extended by the requirement that, in addition to tuition, each parent contributes 90 hours a year of time to work at the school. Parent work contributions can be in any form useful to the school. Some teach courses, others do administrative work, help raise funds, or provide a transportation system.

* * *

group school

The Group School is a part-time school and a multi-service center for its members. It is evolving into the status of full-time school with a strong committment to change both within the community of North Cambridge and within the public school.

The Group is composed largely of white working-class youths between the ages of 14 and 21 and is therefore dealing with people who usually escape the attention of those interested in new schools. It is a non-profit organization governed jointly by its students (a majority) and its staff of volunteers. All decisions concerning the project are made either by the board of directors, a majority of whom are students, or by the monthly community meeting. The group is willing to sacrifice "efficiency" in order that its members gain experience in taking responsibility for their own lives.

The program has been developing over the last two years towards a full-time school in North Cambridge. The basic foundation of the school is learning through experience rather than through prescribed curriculum of "disciplines." Considerable time is spent on interpersonal relations, with many of the students participating in weekly group sessions. Courses are offered by the regular staff as well as by a large group of outside resource people who contribute according to their own interests and expertise. Courses cover a wide range, from creative writing to motorcycle mechanics.

Many of the students must work in order to support themselves or their families and the school attempts to be responsive to this. Many classes and activities are held during evenings and weekends and job counselling and placement help are a regular part of the Group's work. Much of the Group's work in the past has involved personal counselling and referral, and considerable assistance has been forthcoming from social, medical and legal aid agencies in Cambridge. Present plans include beginning to train Group students in such counselling work so that they can soon serve similar needs of other high school age people in North Cambridge. The school operates many of its classes and activities in the homes of staff members and in various institutions around the city using its storefront only as a base of operation.

The Group has supported itself through its own efforts as well as contributions from interested individuals and organizations in Cambridge. Each Group member pays $4/month toward the maintenance of the Group's storefront. This sum is matched on a monthly basis by several members of the Cambridge community.

The Group has maintained as one of its

purposes the constructive reform of public high schools. Although some of the Group members have graduated from high school or dropped out, many still attend in Cambridge. For them the Group has been a source of ideas and support as well as a beginning model of what a high school might be like. When the full-time school begins in the fall of 1971 it is expected that there will still be a substantial number of part-time students, so that the Group can continue to have an effect on public education through dissemination of its ideas and experiences.

STATE REGULATION OF ALTERNATIVE SCHOOLS

THE GENERAL PICTURE

The major authority governing education in the Commonwealth of Massachusetts is state authority. The legislature has passed many laws regarding education and has granted broad authority to the state Board of Education to carry out those laws. The Board, in turn, has delegated some authority to local school committees, particularly in the area of certification.

The important fact about regulation of private, alternative schools is that there is very little of substance under current state law and state and local practice. Schools and would-be schools must be very careful to meet building code requirements and must meet other, minimal educational standards. In a 300-page booklet compiling the education law of the Commonwealth, however, there are perhaps ten references to private schools, most of which are not pertinent to our concerns. This contrasts with the state of California, for example, which publishes a large compendium of laws relating solely to private school education.

The relative lack of regulations cuts two ways. It is obviously good that alternative schools do not have to adhere to an extensive checklist of "dos" and "don'ts" in areas of curriculum, hiring, etc. On the other hand, there is no language in the statutes which offers positive encouragement to flexibility in education or which limits the discretion of local authorities in school certification. There is consequently nothing to stop unsympathetic local school committees from attempting to impose rigid requirements upon alternative schools as a precondition to certification. We shall discuss this in detail in the section on certification below.

The experience of existing alternative schools with state and local authorities has by and large been good so far. Officials responsible for certification have either been sympathetic or neutral and have not sought to harass schools with petty, bureaucratic requirements. There seem to be two reasons for this state of affairs. First, the public school system is already grossly underfinanced, and school committees are not particularly unhappy when they have fewer children to teach. Second, and more important, alternative schools tend to draw students who do not benefit from public school methods. George Dennison makes the point clear in The Lives of Children:

> Three officials from the public schools came today to inspect us....
>
> The authorities have never given us much trouble, and today we understood why, for the officials kept recognizing problems from the past. They wanted to keep them in the past.
>
> "Hello, Stanley. Ah! I see Willard is

> here, too!"
>
> And another: "There's Vicente. I see you have your hands full. Is that Jose Portillo?"
>
> One of them stepped into Susan's room, and seeing Maxine bent over a book, busily drawing something on a piece of paper, muttered under his breath, "My God! Is that Maxine?" She looked up and saw him and said, "Hi! You wanna see something?"
>
> We conferred with the officials later. We had expected to be put on the defensive, but they spoke like appreciative visitors. "I think it's a wonderful thing you're doing with these kids." We could not find any common ground. The conference was brief. In their eyes we were one of the safety valves of the district, and they didn't want to clog us in any way.

Succeeding sections summarize state law on specific subjects, school committee and board of education practice, and some of the experience of existing alternative schools

CERTIFICATION

The basic structure of the compulsory attendance laws in Massachusetts (MGLA, ch.76, section 1) requires that every child between the ages of 7 and 16 who does not suffer from a physical or mental handicap do one of three things:

1) attend a public day school

2) attend a private school approved by the school committee where it is located,

3) be "otherwise instructed in a manner approved in advance by the superintendent or the school committee."

The parent is legally responsible for arranging one of these three alternatives and is liable for his child's truancy if he does not. Punishment for children who are truant is also provided (see MGLA ch. 77 section 3-5), including commission to the state Youth Services Board. Chapter 76, section 4 also makes it illegal to "attempt to induce" a child to unlawfully absent himself from school. This last provision could apply to a non-certified school whose students cut public school classes.

The upshot of this whole structure is that schools which enroll children from 7-16 ought to be certified unless they are prepared to risk a series of fines and punishments which apply to parents, students, and the school itself. Note that it is possible for a parent to arrange tutoring or some other educational program for his child with the advance approval of the superintendent.

TO GET YOUR SCHOOL CERTIFIED

In providing that students may attend

nonpublic schools in compliance with compulsory attendance laws, chapter 76, section 1 provides,

> For the purposes of this section, school committees shall approve a private school only when the instruction in all the studies required by law is in English, and when satisfied that such instruction equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town....

The reference to "all the studies required by law" is essentially meaningless because while the Commonwealth imposes extensive requirements on public school curriculums (ranging from orthography to "instruction as to the effects of alcoholic drinks and of stimulants and narcotics on the human system" -- see Chapter 71.1, 71.2), no law requires any single course to be taught in private schools. Subsequent language ("when satisfied that such instruction equals...public schools in the same town") raises more of a problem. In theory, it gives a local school committee much discretionary authority to insist that an alternative school parallel public schools in many respects as the price for certification. It is reasonable to assume that the courses required of public schools will be required of nonpublic schools by the local board. It is also safe to assume that the courses could be given in different forms or subsumed under other courses so that these requirements should not limit your flexibility.

Were an impasse to occur, the school would have to move to another town, close its doors, or go into the courts. Were you forced to go into court you would have strong grounds for protecting your right to establish an educational alternative to public schools. As far back as 1925, the Supreme Court (in Pierce v. Society of Sisters,268 US 510) made it plain that it is beyond the power of any state to compel all children to attend public schools. Reasonable regulations of private schools are permissible, however. Any attempt to make regulations which have the effect of making your school be substantially like the public school as a price of certification would be unconstitutional. If a school committee seeks to impose its own values in such areas as curriculum or teacher certification, you should consult a lawyer.

The process of gaining the school committee's approval of your school is a matter for you to determine in accordance with your own style and values. There are, however, a few things which others have found which might be of use to you. One thing which a school committee will be relaxed by is the knowledge that you are both serious about your teaching and "responsible" persons. The first is a matter of stating clearly what your school will be like and also providing some information about your teachers, their past experience, their "credentials", etc. The second can be accomplished in a number of ways.

Incorporating, which is a good idea for many other reasons, gives the school an official and responsible look. Creating an advisory panel of professors or local businessmen or establishment types might also be a useful way of convincing a local board that you are not to be feared. Having a bank account and some funds is also helpful, as is official stationary or printed brochures.

The most important aspect of preparing for a certification is probably to maintain good relations with parents of students and neighbors of the school. If the local school committee shows any hesitancy about the certification, a visit from a group of parents or a letter from some neighbors complimenting you on your work or intentions will be very helpful.

It also makes some sense to shop around a bit for a location for the school. Some cities are more amenable to new schools than others. If location is a variable for you, informal conversations with other schools and people in surrounding towns may give you some indication of where to locate. The Warehouse Cooperative School avoided many problems merely by talking to officials in various cities and towns, and determining where the atmosphere would be most hospitable before deciding where to locate.

In general a complete description of your school, its teachers, its plans, its philosophy, its incorporation and other official status, and its supporters is a good document to use in applying for certification. Some localities put out lists of requirements for certifications.

An associate superintendent in the Boston public school system sends out a list of ten "guidelines" which his office evaluates in determining whether to recommend a private school for certification. The list is not very helpful because it does not make clear what is required under each guideline in order for certification to issue. An interview with the associate superintendent's office makes clear that his investigators have no specific checklist of objectives, courses, teacher credentials, etc., which the school must meet. His office indicated verbally that if the school followed the Boston Public School curriculum and had certified teachers (see below), approval would come easily -- but private schools are not required to have either a specified curriculum or certified teachers.

ESTABLISHMENT OF PRIVATE SCHOOLS

Person or persons seeking approval of a private school must forward the following information to the Superintendent of the Boston Public Schools:

1. Objectives of school
2. Location of school

3. Age of pupils
4. Length of school day and school year
5. Curriculum based on subjects required by State Law, such as Boston Public Schools curriculums, Textbooks
6. Qualifications of members of faculty, including principal
    a. Background
    b. Degree
    c. State Certificate to teach in Mass.

Members of the Superintendent's staff will visit school to confirm foregoing information and to inspect physical facilities regarding:

1. Required permits posted, i.e., fuel, etc., fire extinguishers
2. Adequate sanitary facilities, safety features, etc.
3. Appropriate light and ventilation in classrooms
4. Suitable educational furniture and equipment

* * *

Investigators do visit schools which apply for certification in Boston, but they always make appointments ahead of time. One school made sure that all of its students were reading quietly on the day the inspectors came. In Watertown, the head of the Warehouse Cooperative paid a two-hour visit to the superintendent of schools months before his school even opened, and received certification on that basis. Some localities reinspect every few years.

To sum up, certification gives an intangible "respectability" to a school -- an ironic stamp of approval from the very system which spawned the alternative, but a stamp which can be useful in dealing with various authorities, potential sources of money, and parents of potential students. None of this applies to students 16 and over or to schools which operate "after school" or as an education supplement. Trout Fishing in America, which does not schedule any regular activities until the school day is over, incorporated as a store rather than a school, in order to avoid even the slightest contact with the public school system. Certification might be equally irrelevant to you. If not, remember that it can be a relatively simple process with a few requirements: consult local school officials before and during the process of starting your school and get legal assistance if you feel unfair demands are being made upon you.

COMPULSORY ATTENDANCE

As we have indicated above, all children between the ages of 7 and 16 in the Commonwealth of Massachusetts must attend a public or approved private school or secure approved private tutoring. The law also requires that public schools have a school year of a minimum of 180 days, but there is no such requirement for private schools.

Some alternative schools have been careful to maintain a school year of 180 days under the misimpression that this is required for certification. It is not, but authorities do have the discretionary power as described in earlier sections. In any case, no authority has ever checked to see how many days a private school actually stays open.

Many alternative schools want their students to be free to come and go as they wish, or not to come to school at all. They have had virtually no incidents with truancy officers. One school did receive a call from truancy officers after two of its students were stopped by the police. The officials asked two questions: "Is your school certified?" (It was.); and, "Are you satisfied with the attendance of these two students?" (The director answered that he was more than satisfied.) The officials were not even interested in whether the students were coming regularly or required to come regularly.

Finally, chapter 72.2 of the General Laws declares:

> The supervisory officers of all private schools shall, within thirty days after the enrolment or registration of any child of compulsory school age, report his name, age and residence to the superintendent of schools of the town where the child resides, and whenever a child withdraws from a private school, such officers shall, within ten days, notify said superintendent.

It is undlear to what extent this procedure is actually followed, and you should check with the local superintendent's office to be sure.

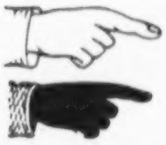
CURRICULUM

As explained above, no laws in Massachusetts require that specific subjects be taught in private schools. The latter thereby theoretically avoid a long shopping list of courses which the Commonwealth imposes on public schools. Chapter 71.1 of the General Laws orders public schools to give instruction in "orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and constitution of the United States, the duties of citizenship, physiology and hygiene, physical education, good behavior...the effects of alcoholic drinks and of stimulants and narcotics on the human system, and...tuberculosis and its prevention." In addition, Chapter 71.2 requires public elementary and high schools to teach "American history and civics, including the constitution of the United States, the declaration of independence and the bill of rights,...the constitution of the commonwealth and local history and government."

The only check which public authorities have on alternative school curriculums comes through certification procedures explained above and through occassional, announced reinspections. The experience of existing alternative schools is that investigators do not look closely at curriculums -- the new schools have freely formulated their own programs.

Should any conflicts arise, alternative schools have a strong argument that their educational processes meet certain minimal requirements -- such as English, math and history -- in substance, whether or not in form.

As mentioned above, the requirement of "general equivalency" with the education given at the local public school may become a way for the shopping list of state requirements to be applied to private schools. In presenting yourself for certification you should not compromise your own educational philosophy seriously, for it is likely that an attempt by the public schools to seriously interfere with your philosophy would not stand up in court. On the other hand, you should be aware that the state (through the local board) may make reasonable educational requirements of you. The question of whether any particular requirement is fair is something which is up to you, but which you should consult a lawyer about if you feel a confrontation with the school board is likely.



TEACHER QUALIFICATIONS

There are no state requirements regarding the credentials of teachers in private schools. Some schools have a mixture of certified and non-certified teachers; a few have all one or all the other.

For those who are interested, certification is essentially a state license to teach required of public school teachers. It is granted by the state Board of Edcuation and is good for life once granted. Chapter 71, Section 38G of the General Laws authorizes certification when applicants offer proof that they:

- are American citizens;
- are in good health, provided that no applicant shall be disqualified because of his blindness;
- are of sound moral character;
- possess a bachelor's degree or an earned higher academic degree or are graduates of a normal school approved by the board, and
- meet such requirements as to courses of study and semester hours therein as may be established by said board; provided, nevertheless, that no requirements respecting such courses of study and semester hours therein shall take effect prior to three years subsequent to their promulgation by said board.

The Board of Education currently requires an elementary school teacher to have 16 hours of professional education courses within his bachelor's degree, plus two credit hours of practice teaching. High school teachers must have a specified number of hours in their major and minor subjects (differs according to subject), 10 hours of professional education courses, plus two credit hours of practice teaching. The specific course requirements can be ascertained by writing to the State Department of Education, 182 Tremont Street, Boston.

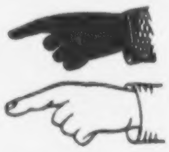
ADMISSIBILITY BACK TO PUBLIC SCHOOLS

Neither the state statutes nor the State Board of Education make any provisions for the admissibility of students attending private schools back into the public school system. The fact that an alternative school is certified by a local school committee does not allow a student in a private school to transfer automatically into the same grade in the public schools. When a student transfers to a public school, the private school will disclose what grade he is in, but the public school nonetheless will give the student standardized tests to determine the appropriate grade in which he will be enrolled.

DIPLOMAS

If your school is a high school, you can give your own diploma as long as you are certified. The value of this diploma for college admissions or jobs or any other thing depends upon the quality of the learning which goes on in your school. Many colleges have shown more interest in students with unusual educational experiences than in graduates of run-of-the-mill public high schools. Since you probably will not have an extensive reputation when you begin, letters or personal visits to colleges or employers when your students apply can be very helpful in impressing people with what is happening at your school.

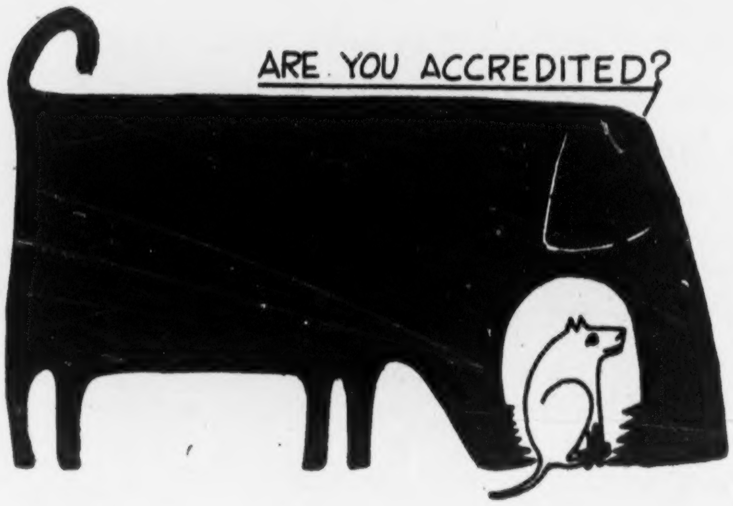
The other route to take regarding diplomas is the high school equivalency diploma, which is based on the national General Education Development test administered by the state. At present, you must be 19 (and your peers' high school class graduated) in order to get a diploma. If you are under 19 and can produce a letter from a prospective employer or college admissions officer asking to see your GED test scores, you can take the GED exam. But you may not get a diploma until you are 19. This complicated process can be explained by Mr. Harold McNutley, the Director of the Bureau of Adult Education and Extended Services of the State Department of Education (727-5784). The reason given for this discrimination against people under 19 is that it discourages you from dropping out of high school. This in spite of the fact that the law only extends compulsory education to age 16.



ACCREDITATION

Accreditation is not the same affair as certification. As we mentioned earlier, certification is required to avoid truancy problems with kids between 7 and 16. Accreditation is provided by an association of private schools as a sort of stamp of approval which some educators and employers put some stock in. Since this is not an essential legal or political aspect of beginning a new school, we go no further than to mention that you can inquire further about the matter from the New England Association of Independent Schools,

4 Liberty Square,
Boston, Mass.


ARE YOU ACCREDITED?

BUILDING CODE REGULATIONS

While state regulation of teachers and curriculum in alternative schools is limited, the state's regulations of school facilities is comprehensive. This is the one area where schools may have problems of such magnitude that they may be prohibited from opening. The Warehouse School, for example, had a building picked out but could not use it because it did not meet the building code standards.

Building, fire and electrical standards for schools are established and enforced by the Massachusetts Department of Public Safety (1010 Commonwealth Ave., Boston, Mass., Telephone 566-4500.) Before you obtain space or before you finally decide to use any building, talk to the inspectors at the Department of Public Safety. They are helpful. They will tell you what, if anything, has to be done to bring the building up to code standards. They will also give you a list of the most important requirements -- those with which you must comply.

The regulations are compiled in the voluminous Form B-2 which can be obtained either from the Department of Public Safety or the Documents Office at the State House in Boston. Get a copy only if you have an architect or a contractor to interpret the requirements for you. The Form B-2 booklet looks like a telephone directory and reads like one as well. The Department, however, will boil the requirements down and assist you. Obviously some requirements are more important than others. Furthermore, the current regulations do not apply to schools built before the current regulations were enacted. Therefore, if the building you plan to occupy has been a school for a long time, a parochial school, for example, you do not have to meet as high a standard of safety.

The Warehouse School reports that while

the Department of Public Safety would not allow them to start a school in a warehouse as it originally desired, the Department inspectors were helpful when approached, before the school was started. The officials told them what to watch out for and what was necessary in the selection of a school site. It may be costly to fail to obtain approval prior to site selection. The New School, for example, spent approximately $15,000 its first year in renovating their space, fire proofing the walls, and installing fire escapes and a sprinkler system.

The extensive school requirements of the Department of Public Safety apply only to "any building or premises in which a regular course of public or private instruction is afforded not less than ten pupils at one time" (article 201 of Form B-2). This may provide a good way of beginning without dealing with the Department of Safety right away. If you have fewer than ten pupils at one time in your building, or if your work can be legitimately called something other than a regular course of instruction, you may begin even though you have not complied with the B-2 standards. Eventually, you may reach the point where you must comply, but you can get information about needed improvements and work on them while you are carrying on your program without calling yourself a school. In any case, be careful not to commit yourself to a lease or purchase until you are satisfied that you can eventually meet the state requirements of building safety.

Regardless of how you choose to relate to the State Safety Standards, you will have to comply with the building, health, fire and electrical standards of your local community. This will involve inspections and also procuring a "certificate of occupancy" in most places. All of these things can be checked out at the local city or town hall before you begin. It is a very good idea to be aware of these permits and inspections in order to avoid later hassling or police interference with your project.

SOME SAFETY STANDARDS

Following is a sample of the kinds of regulations you will encounter in dealing with the State Department of Public Safety. This sample is suggestive and should not be taken for a checklist or a substitute for specific information from the Department. Regulations differ in relation to the size and number of floors in the school building.

If the school is located in a wooden structure, only the first floor of the building can be used, and only 6600 square feet can be used on the one floor. This is a serious limitation on the size of schools which can operate out of wooden buildings. There can be no plywood on school walls, they have to be graded. Walls must be fireproofed. Fire resistency is required for all doors, walls and ceilings. If a room is used by more than ten pupils there must be a mechanical system for air exchange insuring adequate ventilation. (Requirement: 24 cmf/student, 10 cmf fresh, 9 cmf exhaust, 5 cmf recirculation at 1 lb. pressure.) Natural light is required and window space should equal 10% of the floor space. If the school or any part is used at night an auxilary source of power is required. Adequate heating facilities must be provided.

There must be sufficient avenues of egress. Classes with more than nine students should have two doors not leading to the same common area. Generally, stairways must have landings, i.e., no spiral staircases. If stairways penetrate floors, they must be enclosed. Stairwells must be at least three feet wide. All doors to stairwells or the outdoors must open out. Doors from classrooms can open in or out, but if they open out, they should not protrude more than five inches into the hallway. All doors to stairwells and outdoors must have panic bars. If the building is shared with someone else, fire doors are required to enable complete sealing off of the school area in case there is a fire in the other occupants' space. A fire alarm system connected to the local fire department is absolutely required. Fire escapes are only necessary if there is inadequate egress within the building. A sprinkler system may be required under some circumstances. Hand fire extinguishers generally will be required. The boiler room must be enclosed by fire doors and have fire resistant walls. All ceilings in the school must be at least seven feet high with an average height of eight feet six inches. Adequate bathroom facilities must also be provided. One girls' bathroom is required for every thirty students in elementary school and one for every 45 students in secondary school. One boys' bathroom is required for every 60 students in elementary school and one for every 90 students in secondary school. One boys' urinal is also required for every 30 students both in elementary and secondary school. (Form E-2, Article 407.3.)

In summary, the Department of Public Safety is concerned with the adequacy of ventilation, light, heat, egress, sanitation facilities, fire resistency and means of fire prevention.

SCHOOL BUSES, MBTA PASSES, AND MEDICAL RELEASE FORMS

If you regularly transport more than nine students in one vehicle, you have a school bus on your hands and have to get a license from the Registry of Motor Vehicles. (Massachusetts General Laws, Chapter 159.11A)

Students who take public transportation to get to private school can obtain passes entitling them to student fares while enroute to and from school, if such passes are available to public school students. (Massachusetts General Laws, Chapter 161.108)

It is advisable that you obtain medical release forms for all students as a protective measure. A form might read as follows:

> This is to certify that the undersigned is a full-time student at
> ____(name of school)____ in
> ____(name of town)____, Massachusetts
> for the academic year 1970-71, and is given permission to attend by the undersigned parent or guardian. Said parent or guardian hereby authorizes the ____(name of school)____ and its staff members and agents to obtain any medical assistance when deemed immediately necessary by the school or any of its agents. This authorization will apply to emergency doctor's care and emergency hospitalization.

____
student's signature

____
number to call in case of emergency

____
parent or guardian

________________ date

LIABILITY INSURANCE

As individuals or as a nonprofit corporation running a school you will want to protect yourselves against lawsuits arising out of accidents occurring in connection with school activities. You should have some form of agreement or permission slip signed by parents of students indicating that they approve of their children's attendance there. In addition, there are several types of insurance which can be arranged at a relatively low cost. Some of these plans include:

1. liability insurance for the building in which the school is located, covering bodily injury and property damage.
2. Group accident insurance covering medical expenses up to $1000 and life insurance to $10,000. This is a benefit to the school greater than just protection from suits, since many people would have to pay higher rates for such coverage individually.
3. Automobile insurance specifically covering student passengers (see previous section).
4. Workman's compensation plans may be available to you depending on your circumstances and whether staff get paid.
5. Comprehensive general liability

insurance will protect both the premises and other named or unnamed places you use as part of the school program.

There are other policies, and the ones which are needed or available depend upon the specific situation of your school. Several schools have discovered a sympathetic ear and competent help from Mr. Carl Dreyfus of Dreyfus, Rice, Getter in Boston. His address is 15 Broad Street, Boston.

In addition to whatever insurance arrangements you make, you should contact a lawyer with regard to the wording of permission slips and other agreements of parents regarding attendance at your school.

ECONOMICS OF ALTERNATIVE SCHOOLS

money?

Raising money is of course, the hardest part of starting an alternative school. It doesn't tend to be very rewarding, either. There are not very many magic tricks or secret sources which we can put you onto. Basically you have to learn to hustle, and do it so it doesn't rip off all your energy. Hopefully, this will not be the case forever. As community schools proliferate and organize together politically, more pressure will be put on the states to recognize that community schools are in fact, public in every important sense and therefore should be entitled to public money. The right to have the education of your choice is not something which the state will be able to confine much longer to people with high incomes.

Volunteer help is, of course, the most frequent way of getting resources. It is surprising how many people with regular jobs or some source of income are turned on about teaching kids in a non-repressive atmosphere. From graduate students to businessmen, there are plenty of people who know things and still can relate to people and help them learn. These people are a good source of individual courses, projects, tutoring and the like. Free materials can also be had if you use your imagination (see also surplus property, below). The Red

Pencil Bulletin, 83 Chestnut Hill Ave., Brighton, sometimes has ads for free materials.

At the core of your school, however, you will probably want some full time people, which means salaries usually. Buildings sometimes have to be rented, materials bought, and trips taken. All this has to be kept account of if you want to keep your nonprofit status, avoid taxes, and not jeopardize your existence as a corporation. That means a rudimentary accounting system. Below are a few suggestions about money under the topics: private assistance, state aid, federal aid, and bookkeeping.

private assistance

Many schools have had to charge some tuition in order to keep afloat. This is generally the reflection of an attempt to establish an independent school with a student body of different income levels. Sliding scale tuitions can be set up easily which reflect the ability to pay of the parents or students. If it is in accord with your educational ideas, you can structure your school so that there are enough families with moderate income to pay tuition sufficient for other families to pay little or nothing.

There are also usually a few wealthy individuals in most communities who can be interested in an alternative school. The level of their aid depends completely on you and them. One interesting idea for such arrangements is a matching fund, in which the wealthy individual agrees to pay a dollar for every dollar contributed by the students themselves. Thirty students and thirty matching donors at $4/month is $2880/year, which should pay your rent at least.

Many cities also have small local foundations or charities which can be approached. In Boston the small foundations coordinate some of their activity through the Associated Foundations of Greater Boston, 1 Boston Place. There is also a conglomeration of charities known as Permanent Charity Fund, 100 Franklin St., Boston. Local corporations are also worth soliciting. Many of them have corporate gift committees or other regular means of giving a part of their profits back to the community. In all these matters you need not only a good idea for a school, but a few connections and a good presentation of your needs.

If you are in a model cities area, try to get some financial support from the model cities people. If you are on welfare, ask the welfare department for support. In such matters it is good to make it as easy as possible for the public agency to agree to your request. Get a

50

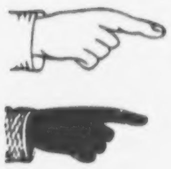
lawyer or other knowledgeable friend to tell you how to structure your proposal so it is most likely to meet the agency's view of itself while still being useful to you.

Eventually everyone gets around to asking the larger New York and Washington foundations for help. Some schools, chiefly in federations these days, have managed to get such help. But you should remember that there are plenty of people asking and that even when money is given it is for a limited time. Most foundations view themselves as policy-making organizations which use their money to start new things but not to support them after they have gotten off the ground. The foundation directory in the public library will give you a run down of the names and addresses of foundations interested in education. If you have something especially unique in terms of alternative schools, you should probably give this a try.

state aid

Comprehensive Aid

Several states have passed laws providing salary aid to nonpublic schools. Most of these laws are detrimental to community school freedom and to the interests of the poor. The laws are being contested before the Supreme Court. Massachusetts has no such law. The state court has declared both attempts to set up such laws (one by paying part of teacher salaries for secular subjects and one for small tuition aid) contrary to the state constitution. After the US Supreme Court rules there will be a renewed effort in Massachusetts to set up aid, probably through legislation and an amendment to the state constitution. Keep your eyes open for this since your interests are at stake. The Joint Education Committee of the House and Senate of Massachusetts can be contacted at 727- 2585. Ask for Bob Crabtree.



In the meantime there are a few things which you can get help from on the state level:

Lotteries and Raffles

Chapter 810 of the Mass. General Laws allows nonprofit educational and charitable institutions to hold lotteries or raffles. To do so you must comply with a few regulations, chief of which is that you be in existence for at least two years. If you are just starting out, you will not be able to qualify, but take heart. You have brothers and sisters who have been around for a while with whom you can do joint projects. There is a list of alternative schools in Massachusetts at the end of this manual, and other nonprofit groups may also be eligible. When you get it together, have the sponsoring organization ask the city clerk or licensing bureau to send you a form to qualify for a chapter 810 raffle. Fill it out and start looking for donations of things to raffle off.

Transportation

Transportation may also be available to students. If the local public school board is providing transportation for its students, then you are entitled to transportation as well. If you have any trouble, check chapter 76, sect. 1 and see a lawyer.

Surplus Property

Surplus property is available through the State Department of Education. To cash in on this boon, write a letter to Mr. Robert Nolan, State Agency for Surplus Property, Department of Education, 182 Tremont Street, Boston. Tell him that you are a nonpublic school. It is best to be able to say you are incorporated and nonprofit. This should qualify you. Once you receive their okay, you can call or visit the warehouse at Taunton and pick out what you want. Everything from dental equipment to office equipment is available. There is a charge for handling and transportation which comes to about 5% of the cost of the item. For further information call 727-5774 in Boston.

Surplus property can also be procured from the Department of Defense and from HEW. For the DoD write to DoD Surplus Sales, P.O. Box 1370, Battle Creek, Michigan, 49016. This starts things rolling for you to become an "authorized buyer" and receive the periodic announcements of sales. Items range from plastics to battleships. There will follow a barrage of bureaucratic forms. If you keep filling these out you will eventually be authorized (we have heard of no FBI investigation accompanying this) to buy the stuff. For HEW you can contact:

Regional Representative
Office of Surplus Property Utilization
Department of Health, Education and Welfare
JFK Federal Building
Boston, Mass. 02203

Youth Resources Bureau

Many cities in the Commonwealth have a Youth Resources Board which attempts to provide services to young people who are in or near to being in trouble with the police. Such services have on occassion included tutoring paid for by the Board or arranged by them through another agency. If some of you are in this bag, it might be worth talking with the local YRB to see whether any cooperative arrangement can be made. The Boards are local agencies funded by the cities and by the Governor's Committee on Law Enforcement.

School Lunch, Breakfast, Milk, Surplus Food

Non-profit, tax-exempt schools are eligible for various food programs administered by the Commonwealth. There are reimbursement programs for lunches, breakfasts, and milk. Once you qualify for these you also qualify to get surplus commodities (food) which are either dry or frozen. You may also be eligible for aid in obtaining kitchen equipment once you have begun one of these programs. The program is geared to low income children. To apply, simply write a letter to:

Mr. John C. Stalker
Director, Bureau of Nutritional Education
and Food Services
182 Tremont Street
Boston, Mass. 02111

Tell him you are a non-profit, tax-exempt school and request participation in any or all of these food programs. Applications will follow. For more information call 727-5764.

FEDERAL AID

The federal government does not have very many programs providing aid to nonpublic schools. In our view this is the product of two political facts. One is that the public schools and the teachers' unions have enormously powerful lobbies and an ideology which tells them that a public school must be operated by a public authority. Some have argued that the really important aspects of public education -- at public expense, admissions open to all, freedom in the school, and open information about the school -- can be provided as well by schools operated by teacher collectives, community groups, or students and parents. The second fact about federal reluctance to aid nonpublic schools results from the history of private schools, which is that they have been mostly either elitist prep schools or Catholic parochial schools. Because of this, aid to private schools has been viewed as a violation of the separation of church and state commanded by the First Amendment or as aid to people who don't really need it. As the community school movement grows and legal theories grow to accomodate it, this may change. For now, we can report the following:

It can be a hassle to apply for federal funds. Most programs have not only governing laws but administrative regulations and guidelines as well. The task of fitting within these regulations can take a lot of time and things may still not work out. It also happens that the conditions of the grant can be burdensome. It is still possible, however, to

to get some help from the federal government. You must decide whether you really need what is offered and how much energy is going to be required to pull it off. For this reason it is advisable to work with someone who can tell you exactly what the federal program requires and then help you figure out how or whether to fit into it. A local legal service lawyer can help with this. So can some of the federal bureaucrats themselves. It is part of their job to explain to you what is required and what is available.

The following federal programs should be looked into:

1. Elementary and Secondary Education Act
   (20 U.S.C.A. 241, P.L. 89-10)

ESEA is really the only large federal program of aid to education besides aid provided to "impacted areas." The funding usually goes at about the 1.5 billion dollar level, almost all of it going to public schools.

a) Title I - This title is for "educationally deprived" children, which in effect means poor children. Eligibility depends upon showing of significant numbers of children whose families earn less than $2000/year or are on AFDC. Because of the church-state problem, private schools can participate only in "services" provided by the public school. That is, no money is actually granted to a private school, but is given to the public school in a Title I target area which then makes services available. The act states that such services are to be "special educational services and arrangements, e.g. dual enrollments, educational radio and tv, and mobile educational services..." This has been known to include remedial teachers, students as tutors, psychological testing and counselling, special equipment. The regulations then go into considerable detail about the fact that equipment must be owned by the public schools and loaned to the private schools. Teachers (e.g. remedial reading) must be on the public payroll and visit the private school. (see regs. Title 45, part 116.19a-g). The regulations can be obtained by writing to the Office of Education in Washington, or contacting the Law and Education Center at Harvard.

The regulations (116.19b) also provide that in any program to be administered by a local education agency (public school board), there must be consultation with representatives of private schools to determine the needs of such schools and how they can participate. This usually results in consulting parochial schools but not community schools, perhaps because they are less numerous and visible. In any case, you are entitled to consultation and, if you qualify, you may get participation. Whether that participation is helpful and non-burdensome to you will depend upon the arrangement you make with the local school authorities.

It is a good idea to get some legal

assistance in approaching the local school authorities for participation. You do have some rights in this matter and it is important to know both what you can demand and what depends on cooperative arrangements with school authorities so that you do not jeopardize your negotiating position. It might be possible for a group of community schools with substantial numbers of poor children enrolled to band together and have Title I pay for equipment and supplemental teachers who would be busy all the time with the community schools.

The structure of the law's administration makes the local school authorities responsible for preparing an application for Title I funds each year, with added applications for summer programs. These applications are received and processed by the State Department of Education which at present requires that they be in at least six weeks before the program is to begin. Deadlines tend to change, though, and it is important to find out what they are. Once the state approves the local applications, the federal money is disbursed without much further ado.

There is, of course, very little reason for the Title I guidelines to be as strict as they are for nonreligious private schools. There is no church-state problem involved with them. For the meantime, however, they must be lived with. We suggest that you get a copy of the latest Title I application from your local school board (you are entitled to it according to the regulations), see whether there are any programs which you might want to participate in or whether you can think of new ones to suggest. Keep an eye open for whether community schools have been consulted as they are required to be. Check with your brother schools. If enough schools with poor children in them got it together it would probably be possible to get Title I help on good terms.

Finally, every community which has a Title I program is required by state and federal guidelines to have an advisory board elected locally. Parents and community groups are represented. You may find a sympathetic ear at the advisory board. They are probably interested in the same kinds of changes in education that you are even though their present leverage is inside the system.

b) Title II This section of the act provides aid to, among others, private schools, in improving their libraries. The money does not depend upon the income of the families of your students, but it does vary with the tax base of the area in which you are located. Library grants come in two types, the regular library improvement program and the special purpose grant. The special purpose grants just began this year. 5% of the funds under Title II are set aside for special project applications. New guidelines for this program are in the making and can be obtained from the Library Extension Bureau.

The regular grants depend in their amount on the number of students in the private school and the present condition of the library. Per pupil the amounts are small, but there is a minimum grant of $200 so that is may be worth it even for a very small school. The funds for this fiscal year (1971) are exhausted. But new applications for next year's money can be made now. Letters of intent should be sent to the bureau by June 1971.

To apply for grants write a letter to:

Miss Nancy M. Dougherty
Bureau of Library Extension
648 Beacon Street
Boston, 02215

You will have to show that you are a publicly certified school (see certification), are willing to sign a compliance form for Title VI of the 1964 Civil Rights Act (no discrimination in use of federal funds), and are not interested in receiving books of a religious nature. Ask about the regular program and about the special purpose grants. Guidelines and applications will follow.

c) Title III This section provides for innovative and experimental educational programs. Provision for participation of nonpublic schools is indicated, but we have not heard of any community school receiving substantial assistance.

2. Food

For the operation of federal programs providing lunch, breakfast, milk, surplus commodities and kitchen equipment, administered by the state, see state aid.

3. Teacher Training (and Salaries?)

The Manpower Development and Training Act (P.L. 87-415) may be a source of funds for training teacher aid In a cooperative arrangement a contract would be written between the Department of Labor, which administers the act, and a community school or other institution which was willing to make teaching at the school a part of the training. As far as we have been able to find out, the chances of drawing such a contract depend almost entirely upon the particular Labor Department Field Representative you are dealing with. We suggest that you contact Mrs. Janice Israel at the Department of Labor in the JFK Federal Building in Boston. Her number is 223-6713.

Outside Chances

Another potential source of assistance in paying teacher salaries is the Career Opportunity Program of the Education Professions Development Act. If it works, the C.O.P. program will pay low income persons including veterans to prepare for teaching jobs. Where it has been successful with community schools (very rare) the government has used the program to pay tuition at a local school of education and a stipend while the eligible persons "practice teach" at the community schools. As with most federal programs run out of the Office of Education there is need to justify the program in terms of impact on public schools. The programs are cooperative arrangements between the federal government, a local college or university, and a school. The chances for this one are slim, but if you are interested, try calling Tom O'Hare at the Office of Education in Boston, 223-6891.

Slightly more possible, but equally difficult to arrange, is assistance from VISTA or from the Teacher Corps. Both of these programs have uncertain futures, but might be a source of teachers or subsistence salaries for your teachers. For suggestions on this and other forms of technical aid, contact Susan Rabinowitz or Polly Stevens at the state OEO office, 427-4090.

Finally, you might make some inquiries about the Follow Through program. This is a continuation of the Headstart program, attempting to keep track of and help headstart kids once they get into the first few grades of elementary school. There is one occasion in which this program was operated through a community school in Massachusetts, but the arrangement involved several other local and state agencies to such a great degree that it seems unlikely that it would happen again. Nevertheless, it may be worth inquiring into if you have some contacts with a model cities program, a state education agency, or some university.

Advice

As with all government programs, the trick with these is to know enough about the guidelines to be able to write your proposal so that it fits in. The other basic requirement is the proper size, shape and number of forms and copies. Save yourself some grief if you are applying, find out all the requirements before you sit down and start writing proposals. Good luck, and remember, the government ain't likely to support alternatives to the government.

bookkeeping

No matter how little or how much money you have, it is absolutely essential to keep careful records of what comes in and what goes out. In addition, there are some state and federal forms which you must fill out periodically. All of this is essential to retain your tax-exempt status, to prevent anyone from questioning the validity of your corporation, and to protect you from charges of misuse of any funds you receive.

Forms

1) SS-4: This is the application for a federal Employer Identification Number. It is necessary for witholding taxes and to attain tax exempt status.

2) W-4: This is the form which employees fill out stating the number of exemptions they claim. It is the basis for calculating the witholding tax from their salaries.

3) 941: The quarterly tax report. As a tax-exempt organization you will not pay any taxes to the US, but you do have to report salaries paid and the witholding from those salaries is then paid to the IRS on a quarterly basis. If your witholding reaches a certain level, or if you otherwise desire, you make monthly witholding "deposits" instead of quarterly payments. This is taken care of with form 501 monthly and 941 quarterly. Your bank will be involved in this process.

4) W-2: This is the year end report of witholding which you must file with the IRS and the individual staff person.

5) If you are interested in Social Security, ask the IRS for form SS-15 and SS-15a. This comes to about 9% tax, half from the school, half from the employee's paycheck.

In Massachusetts, state income taxes must also be witheld from all employees. For information concerning the required forms, call the Massachusetts Corporation and Taxation Department. The telephone number for the Boston area is 727-4545.

Some other taxes are optional. You don't have to pay your "employees" social security or unemployment and disability insurance. If you want to pay for these and have people covered for the benefits, it will about double the tax load -- the employee will pay about 18% taxes instead of 13%, and the school will pay another 8% above that.

If you want State Unemployment and Disability coverage, ask the State Unemployment office to send a form to waive exemption from those taxes. That will be another 1% out of the paycheck and about 4% paid by the school.

* * *

Accounts

Bookkeeping need only be understandable and accurate. As long as the system you use tells you exactly how much you take in and from whom, when and on what money is spent, and maintains receipts, you will probably be in good shape. Make sure the system has some permanence and is kept up to date. An accountants book is helpful and not terribly expensive.

Remember that anything you show as being received (or which you give a donor evidence of having received) must be accounted for. All money for which you give receipts must be accounted for as expenditures or as money still in the bank. If a donor asks for a receipt (for example to prove his contribution is tax deductible on his own return), give him one and be sure to record the donation in your books. The dates and purposes and amounts of all expenditures (rent, supplies, utilities, transportation, etc.) should be recorded.

The books should record all payments to staff under the staff person's name, the receipt of tuition if there is any. If you should receive either a federal, state or private grant or contract, keep separate books for this so that you will be able to show them what you did with the money.

If your books are confusing or aren't working, get some professional help. Don't bumble along, accounting help can probably be gotten free someplace. Look around.

Some banks give charge free checking accounts to non-profit organizations. Make some calls and you'll find one that does.

It would be a good idea to keep a record for each employee of taxes for each paycheck. Something like this: a page for each employee with columns for: Name; Soc. Sec. #; exemptions claimed; pay period; basic pay; Fed. Income tax withheld; FICA withheld; State disability withheld; Net pay...; FICA paid by school; State Unemployment paid by school. It might be good to keep a running total of "money owed to governments."

INCORPORATION AND TAXATION

Incorporation and Federal Tax Law

Most alternative schools will find it advantageous to incorporate. Forming a corporation serves two legal purposes: (1) incorporation limits the liability of the individuals involved in the school for purposes of debt collection and other damage actions; (2) more importantly, incorporation enables the school to qualify for federal tax exemption by the Internal Revenue Service as a non-profit agency.

Incorporation also serves several non-legal purposes. Being incorporated is one of those things which assures skeptics of the stability and acceptability of your school. If you are applying for funds someplace, trying to get a lease, or trying to get certified, it will help to be incorporated. For your own purposes, you will find that the most interesting and useful part of incorporation is in working out a form of governance for your school, and making one of many attempts to define your goals. The by-laws can be viewed as writing the first constitution of the school. There will probably be plenty of changes to be made as you go along, but at least this helps you focus initially on the question of governance and the relationship between what you need to survive in the world and the ways that you want to relate to each other inside the school.

Corporations are chartered by the state.

In Massachusetts the Secretary of the Commonwealth, with offices in the State House in Boston, is responsible for approving incorporation papers. There are two basic documents required for incorporation--the Articles of Organization and By-Laws. The Articles of Organization ought to be handled by a lawyer. A later section of this manual gives the names and addresses of the various Legal Services Offices in Massachusetts which may assist in the incorporation of schools. There is a standard form for the Articles of Organization, a copy of which follows this section. Massachusetts General Laws, Chapter 180, under which non-profit educational enterprises are incorporated, requires seven or more incorporators of legal age and a statement of purpose. The statement of purpose is general and should be broad enough to include anything that you may wish to do with the school as well as a disclaimer of any profit or political motivation or intention. Included at the end of this section is a sample "Articles of Organization" which can be readily adapted to fit your particular needs and purposes. If in doubt, consult a lawyer; if not in doubt, consult a lawyer anyhow. Incorporation should present no problems, but play it safe.

By-laws are also required for incorporation and a sample is included at the end of this section. In general, the by-laws cover the following matters: (1) name and location of the corporate offices; (2) members and membership-definition, and procedure for termination of membership if desired; (3) meetings -- regular, annual, special, notice requirements for meetings and quorum requirements; (4) board of directors -- membership, election, powers, and duties and meetings of the board of directors; (5) committees -- if necessary; (6) officers -- titles, functions, duties, terms of office, and election and removal procedures (corporate officers usually include president, vice-president, secretary, and treasurer), (7) provisions for parliamentary procedures and the corporate seal; and (8) amendments-- provisions for amending the by-laws.

By-laws may present a problem for some alternative schools. Corporate law is based on the delegation of authority to the officers and board of directors of the corporation. This may be inconsistent with desired for a more democratic way of operating a school. Furthermore, the law does not recognize anyone under the age of 21. This also may create a conflict between the way the state wants a corporation operated and the way you want decisions made in your school. You can avoid this by ignoring your by-laws or by having an unofficial set of by-laws for your own use. State officials will not ask to see the minutes of your meetings or ask to see the birth certificates of your voting members unless the existence of the corporation is called into question in a suit. You could also have a friendly and responsive board of directors, and there is no reason why you should not. The board, then, can simply meet a few times a year to ratify what has been done by a more informal procedure affording greater participatory democracy. In this way, the board of directors is the official body of the corporation but the policies are really being set by the parents, teachers and students at their own meeting. You may feel that by-laws should not be allowed to be used as a tool by anyone upset with the products of a more democratic procedure. If so, do not give either the board of directors or officers excessive power, make their removal easy, make their terms short (they can always be reelected if they are cooperative), make their meetings infrequent, and above all, make it easy to loosen the by-laws through simple amendment procedures.

You can make the by-laws and corporate form respond to your needs and goals. But remember that there is always the outside chance that someone, sometime, will question whether you have a real corporation. If you do not, the individuals may be liable for something the corporation would ordinarily be liable for. Because of this possibility it is essential that you talk the whole matter over with a lawyer who is sympathetic to your goals. Many things can be done by you which might become evidence that the corporation does not really exist (for legal purposes). You should be aware of this and always keep yourself covered.

There are a few practical matters which you should be aware of regarding the process of incorporation. The initial incorporators (7) do not need to have any further role in the corporation. They simply meet, elect a board, adopt the articles and by-laws, and go out of existence unless they are elected as individuals to the first board or become officers. Once these incorporators sign the papers and the papers are filed, there will ensue a couple of months of forms and waiting. The first step will be the mailing of a questionnaire to each incorporator by the police or law department of the city in which he lives. This is pro-forma and involves no substantial investigation. Once these are filled out our experience is that the local city council passes upon the application before it is sent on to the state. This may be pro-forma as well, but it could also become political. It is therefore a good idea to get incorporated first, before any potential hassles over your school arise. Also, since the city councils of all the residence areas of all the incorporators will have to pass on the application, you save yourself time by having them all come from one city. It does not necessarily have to be the city where the school is located.

Tax Exemptions

Once a school is incorporated, it can qualify for non-profit status and tax exemption from the Internal Revenue Service. This requires filling out Form 1023 which is included at the end of this section. This process takes several months but it is safe to operate on the assumption that you will get tax exemption. This means that the corporation, i.e., the school, does not have to pay any taxes. The employees of the school, i.e., principal and teachers, do have to pay taxes, however, and the Internal Revenue Service requires that you fill out several simple forms as an employer. If you have any questions, call the local Internal Revenue Service information office. Also, request Circular E - for non-profit corporations.

The Commonwealth of Massachusetts

Secretary of the Commonwealth

State House, Boston, Mass.

INSTRUCTIONS FOR FORMING CORPORATIONS FOR RELIGIOUS, CHARITABLE, EDUCATIONAL, SOCIAL OR CIVIC PURPOSES UNDER CHAPTER 180 OF THE GENERAL LAWS

The agreement of association must be signed by seven or more persons of legal age, a majority of whom are residents of Massachusetts. The actual domicile of each must be stated. This can be done at any time before calling the meeting for organization, which must be held in Massachusetts. These persons constitute the incorporators, and their names are the ones that will appear on the charter. They are the charter members.

At the time appointed in the waiver of notice in the agreement of association the incorporators, or a majority of them shall meet for the purpose of organizing the corporation. After the group has come to order, the following should be observed.

Order of Procedure to be Observed

1. Selection of a chairman or person to preside.
2. Elections by written ballot of a temporary clerk. This officer keeps the record of the proceedings until the permanent clerk or secretary has been elected and sworn.
3. Temporary clerk sworn to the faithful and impartial discharge of the duties of his office. For this purpose a Justice of the Peace or Notary Public must be present at the meeting. If one of the incorporators is qualified to administer oaths, it is permissible for him to do so at this meeting.
4. Adoption of by-laws by vote. These should be prepared before the meeting and may be discussed and voted upon article by article or as a whole.
5. Election by written ballot of a treasurer, clerk and a board of not fewer than three directors, or other governing board having the powers of directors. The President should be elected by the directors at a meeting of the board immediately following the meeting of the incorporators. It is permissible that the presiding, financial and recording officers, if desired, bear other titles than president, treasurer and clerk.
6. Permanent clerk sworn (in same manner as temporary clerk).
7. Adjournment of meeting; this should be final, not an adjournment to another date.

In making up the minutes of this meeting the temporary clerk should attest the truth of the record by signing his name after the record of the oath of the permanent clerk, and the permanent clerk or secretary should attest at the end of the minutes.

CD-161-5M-6-68-947581

The same person may be elected both temporary clerk and permanent clerk or secretary and may sign once at the end of the minutes as "Temporary Clerk and Clerk". He must, however, be elected temporarily as well as permanently and sworn twice, and must be a resident of Massachusetts.

There must be submitted to the Secretary of the Commonwealth, only the articles of organization (signed and sworn to by the president, treasurer, clerk and a majority of the directors or officers having powers of directors). (By-laws must conform strictly with the General Laws.)

After examination and approval of the articles of organization by the Secretary of the Commonwealth the articles of organization are filed and if the Secretary is satisfied with the report of the local authorities as required by Chapter 180 Sec. 5, and in the case of a charitable corporation by the Commissioner of Public Welfare, the charter is issued.

The filing fee is $25.00

GENERAL INSTRUCTIONS

The title of the corporation must be such as to indicate that it is a corporation, i.e., the words, Inc., Corp. or Incorporated. In the statement of the location of the corporation, the city or town, street and number must be given

In the articles of organization insert as adopted in the agreement of association, the full and exact name of the corporation. Give an exact copy of the agreement of association, with the names of all the subscribers thereto exactly as they are subscribed, and not by substituting initials for full names.

In the organization of a corporation there should be no instruction to a person to cast one ballot for the election of an officer The incorporators should vote without dictation.

C. D. 180 20M-9-69-045415

The Commonwealth of Massachusetts

JOHN F. X. DAVOREN

Secretary of the Commonwealth

STATE HOUSE

BOSTON, MASS.

ARTICLES OF ORGANIZATION

Under G. L. Chapter 180

We, , President , Treasurer,

Clerk or Secretary, and

being a majority of the directors (or officers having the power of directors)

of

elected at its first meeting, in compliance with the requirements of General Laws, Chapter 180, Section 3, hereby certify that the following is a true copy of the agreement of association to form said corporation, with the names of the subscribers thereto:

We, whose names are hereto subscribed, do, by this agreement, associate ourselves with the intention of forming a corporation under the provisions of General Laws, Chapter 180.

The name by which the corporation shall be known is

The location of the principal office of the corporation in Massachusetts is to be the Town or City of Street

The purposes for which the corporation is formed are as follows:

LEAVE SPACE BLANK FOR BINDING

If provisions for which the space provided is not sufficient additions should be set out on continuation sheets which shall be 8½" x 11" paper and must have a left hand margin 1" wide for binding. Use only 1 side of sheet.

(If seven days' notice is waived, fill in the following waiver.)

We hereby waive all requirements of the General Laws of Massachusetts for notice of the first meeting for organization, and appoint day of , 19 .

at o'clock M., at

as the time and place for holding such first meeting.

(Type or plainly print the name and address of each incorporator in space below.)

NAME	RESIDENCE Give Number and Street, City or Town

LEAVE THIS SPACE BLANK FOR BINDING

And further state that the first meeting of the subscribers to said agreement was held on

the day of in the year 19

C. D. 180 20M-9-69-045415

The Commonwealth of Massachusetts
JOHN F. X. DAVOREN
Secretary of the Commonwealth
STATE HOUSE
BOSTON, MASS.

ARTICLES OF ORGANIZATION

Under G. L. Chapter 180

We, , President , Treasurer,

Clerk or Secretary, and

being a majority of the directors (or officers having the power of directors)

of

elected at its first meeting, in compliance with the requirements of General Laws, Chapter 180, Section 3, hereby certify that the following is a true copy of the agreement of association to form said corporation, with the names of the subscribers thereto:

We, whose names are hereto subscribed, do, by this agreement, associate ourselves with the intention of forming a corporation under the provisions of General Laws, Chapter 180.

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(If seven days' notice is waived, fill in the following waiver.)

We hereby waive all requirements of the General Laws of Massachusetts for notice of the first meeting for organization, and appoint day of , 19 .

at o'clock M., at

as the time and place for holding such first meeting.

(Type or plainly print the name and address of each incorporator in space below.)

NAME	RESIDENCE Give Number and Street, City or Town

LEAVE THIS SPACE BLANK FOR BINDING

And further state that the first meeting of the subscribers to said agreement was held on the day of in the year 19

LEAVE THIS SPACE BLANK FOR BINDING

The name, residence, and post office address of each of the officers and directors of the corporation is as follows:

	NAME	CITY OR TOWN OF RESIDENCE Actual place of domicile must be given	POST OFFICE ADDRESS HOME OR BUSINESS
President			
Treasurer			
Clerk Secretary			
Directors (or officers having the power of directors)			

We, being a majority of the directors of

(Name of Corporation)

do hereby certify that the provisions of sections eight and nine of Chapter 156 relative to the calling and holding of the first meeting of the corporation, and the election of a temporary clerk, the adoption of by-laws and the election of officers have been complied with.

IN WITNESS WHEREOF AND UNDER THE PENALTIES OF PERJURY, we hereto sign our names,

this day of , 19 .

(President, Treasurer, Clerk or Secretary, and majority of Directors or of Board, sign in space below.)

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF ORGANIZATION

GENERAL LAWS, CHAPTER 180

I hereby certify that, upon an examination of the within-written articles of organization, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles and cause them to be recorded and filed when validated.

Secretary of the Commonwealth

CHARTER TO BE SENT TO

....

....

....

CHARTER MAILED

DELIVERED

NOTIFICATION SENT TO

....

....

....

83

FORM **1023**
(Rev. April 1965)

U.S. TREASURY DEPARTMENT—INTERNAL REVENUE SERVICE

EXEMPTION APPLICATION

(To be made only by a principal officer of the organization claiming exemption)

To be filed in duplicate with the District Director for your District.

For use of organizations applying for exemption under section 501(a) and described in section 501(c)(3) of the Internal Revenue Code, which are organized and operated (**or will operate**) exclusively for one or more of the following purposes (check purpose(s)):

☐ Religious ☐ Charitable ☐ Scientific ☐ Testing for Public Safety
☐ Educational ☐ For the prevention of cruelty to children or animals ☐ Literary

Every organization that claims to be exempt must furnish the information and data specified in duplicate. If any organization fails to submit the information and data required, this application will not be considered on its merits and the organization will be notified accordingly.

This application shall be open to public inspection in accordance with section 6104(a)(1) of the Internal Revenue Code. See separate instructions for Form 1023 to properly answer the questions below.

1a. Full name of organization
b. Employer identification number

2. Complete address (number, street, city or town, State and Postal ZIP code)

3a. Is the organization incorporated? ☐ Yes ☐ No
b. If "Yes," in which State and under which law (General corporation, not for profit, membership, educational, eleemosynary, etc.)? Cite statutory provisions.

4a. If not incorporated, what is form of organization?
b. Date incorporated or organized
c. Month and day on which the annual accounting period ends

5a. Has organization filed Federal income tax return(s)? ☐ Yes ☐ No
b. If "Yes," form number of return filed and Internal Revenue District where filed.
c. Year(s) filed

6. After July 1, 1950, did the creator of your organization (if a trust), or a contributor to your organization, or a brother or sister (whole or half blood), spouse, ancestor, or lineal descendant of such creator or contributor, or a corporation controlled directly or indirectly by such creator or contributor, enter into any of the transactions (or activities) enumerated below? NOTE: If you have any knowledge or contemplate that you will be a party to any of the transactions (or activities) enumerated in 6a through 6f, check **"planned"** in the applicable block(s) and see instructions.

	Yes	No	Planned		Yes	No	Planned
a. Borrow any part of your income or corpus?				d. Purchase any securities or other property from you?			
b. Receive any compensation from you?				e. Sell any securities or other property to you?			
c. Have any part of your services made available to him?				f. Receive any of your income or corpus in any other transaction?			

	Yes	No
7. Have you issued or do you plan to issue membership, stock, or other certificates evidencing voting power in the organization?		
8a. Are you the outgrowth or continuation of any form of predecessor(s)?		
b. Do you have capital stock issued and outstanding?		
c. Have you made or do you plan to make any distribution of your property to shareholders or members?		
d. Did you receive or do you expect to receive 10 percent or more of your assets from any organization, group of affiliated organizations (affiliated through stockholding, common ownership, or otherwise), any individual, or members of a family group (brother or sister whether whole or half blood, spouse, ancestor, or lineal descendant)?		
e. Does any part or will any part of your receipts represent payment for services of any character rendered or to be rendered by you?		
f. Are you now, have you ever been, or do you plan to be engaged in carrying on propaganda, or otherwise advocating or opposing pending or proposed legislation?		
g. Do you participate or plan to participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office?		
h. Have you made or do you plan to make any payments to members or shareholders for services rendered or to be rendered?		
i. Does any part or do you plan to have any part of your net income inure to the benefit of any private shareholder or individual?		
j. Are you now or are you planning to be affiliated in any manner with any organization(s)?		
k. Do you hold or plan to hold 10 percent or more of any class of stock or 10 percent or more of the total combined voting power of stock in any corporation?		

9. Has any State or any court (including a Court of Probate, Surrogate's Court, etc.) ever declared whether you were or were not organized and operated for charitable, etc., purposes? ☐ Yes ☐ No. If "Yes," attach copies in duplicate of pertinent administrative or judicial decisions.

10. **You must attach copies in duplicate of the following:**

a. If incorporated, a copy of your articles of incorporation, or if not incorporated, a copy of your constitution, articles of association, declaration of trust, or other document whereby you were created setting forth your aims and purposes, a copy of all amendments thereto, and any changes presently proposed.

b. A copy of your bylaws or other similar code of regulations, all amendments thereto, and any changes presently proposed.

c. A complete statement of assets and liabilities as of the end of each annual accounting period (or as of the date of the filing of this application, if you were in existence for less than a year).

d. A statement of receipts and expenditures for each annual accounting period of operation (or for the period for which you were in existence, if less than a year).

e. A statement which clearly indicates what State statutes or court decisions govern the distribution of assets upon dissolution. (This statement may be omitted if your charter, certificate, or other instrument of organization makes provision for such distribution.)

f. A brief statement of the specific purposes for which you were formed. (Do not quote from or make reference to your articles of incorporation, constitution, articles of association, declaration of trust, or other document whereby you were created for this question.)

g. A statement explaining in detail each fund-raising activity and each business enterprise you have engaged in or plan to engage in, accompanied by copies of all agreements, if any, with other parties for the conduct of each fund-raising activity or business enterprise.

h. A statement which describes in detail the nature of each of your activities which you have checked on page 1, activities which you sponsor, and proposed activities.

i. A statement which explains fully any specific activities that you have engaged in or sponsored and which have been discontinued. Give dates of commencement and termination and the reasons for discontinuance.

j. A statement which describes the purposes, other than in payment for services rendered or supplies furnished, for which your funds are expended or will be expended.

k. A schedule indicating the name and position of each officer, director, trustee, etc., of the organization and the relationship, if any, by blood, marriage, adoption, or employment, of each such person to the creator of the organization (if a trust), to any person who has made a substantial contribution to the organization, or to a corporation controlled (by ownership of 50 percent or more of voting stock or 50 percent or more of value of all stock), directly or indirectly, by such creator or contributor. The schedule shall also indicate the time devoted to position and compensation (including salary and expense account allowance), if any, of each officer, director, trustee, etc., of the organization.

l. A copy of each lease, if any, in which you are the lessee or lessor of property (real, personal, gas, oil, or mineral) or in which you own an interest under such lease, together with copies of all agreements with other parties for development of the property.

SIGNATURE AND VERIFICATION

Under penalties of perjury, I declare that I have examined this application, including accompanying statements, and to the best of my knowledge and belief it is true, correct, and complete.

Date	Signature of officer	Title

ATTACHED SHEET TO ARTICLES OF ORGANIZATION

STATING THE PURPOSES FOR WHICH THE ____________________ SCHOOL IS FORMED

First. The primary purpose of the corporation is to plan, organize, supplement, coordinate and execute a comprehensive program to improve the economic and social environment of the Cambridge Community, both individuals and families; to aid individuals in achieving their full educational, economic and social potential, and a sense of dignity and self respect; to lessen neighborhood and community tensions; and to provide a focus and forum for developing programs of self-help for the community.

Second. In furtherance of the foregoing charitable and educational purposes the Corporation may:

a. Develop, conduct, administer, and coordinate programs which provide services, financial assistance, and other activities and facilities necessary to meet the needs of individuals and families in the areas of educational, cultural, and vocational opportunities, recreation and health, and knowledge and fulfillment of basic civil rights and obligations.

b. Provide services, financial assistance, research, training, and other activities and facilities designed to encourage maximum participation of the people served and to effect a permanent increase in the capacity of individuals, families, groups, and communities to deal with their problems without further assistance.

c. Make outright grants or loans of all or part of the funds or property of the Corporation, with or without interest, in furtherance of the charitable and educational purposes of the Corporation.

d. Provide facilities, personnel and funds in order to achieve, and to assist public agencies and other private nonprofit agencies or combinations thereof to achieve, the goals of the corporation.

e. Do any and all things directly or indirectly related to any of the foregoing activities and in furtherance of the foregoing charitable and educational purposes.

f. Do any and all other lawful things in furtherance of said charitable and educational purposes which may be permitted under Section 501 (c) (3) of the Internal Revenue Code of 1954 and which are also permitted under the laws of the Commonwealth of Massachusetts, each as now in force or hereafter amended.

Third. The Corporation shall not be operated for profit, and no part of the net earnings of the Corporation shall inure to the benefit of any member, director, officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation affecting one or more of its purposes); and no member, director, officer of the Corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation. No substantial part of the activities of the Corporation shall be carrying on propaganda, or otherwise attempting, to influence legislation, and the Corporation shall not participate in, or intervene in (including the publication or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

Fourth. The following additional provisions, not inconsistent with law, are hereby established for the conduct and regulation of the activities of the Corporation, for its voluntary dissolution, and for limiting, defining and regulating the power of the Corporation, its Board of Directors and Members, namely:

a. The Corporation may apply for and receive from any source or sources outright, in trust or otherwise, by gift, devise, bequest or otherwise, and hold cash, securities and real and personal property to the extent from time to time authorized by law.

b. The Corporation may retain, may buy or otherwise acquire, may renovate, improve, sell, lease, convey or otherwise dispose of, and may invest and reinvest its assets in, any property whether real or personal, within or without Massachusetts, including without limitation any stock, obligations, or other securities of any corporation, association or business trust, investment trust or investment company, provided, that none of the assets of the corporation shall be given or loaned directly or indirectly to any Director or Member.

c. The Corporation may make contracts, incur liabilities, borrow money, make and endorse bonds, notes and other evidences of indebtedness, and mortgage, pledge or create any security interest in any real or personal property, all on such terms as its Board of Directors may determine.

d. The Corporation may make contributions for the accomplishment of its purposes, in such amounts as the Directors determine to be reasonable, to corporations, trusts, funds, foundations or community chests created or organized in the United States or in any territory or possession thereof, and organized and operated exclusively for charitable, scientific, or educational purposes, no part of the net earnings of which inures or is payable to or for the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate or intervene in (including the publishing or distributing or statements), any political campaign on behalf of any candidate for public office. It is intended that the organizations described herein shall be entitled to exemption from federal income tax under Section 501(c) (3) of the Internal Revenue Code of 1954, as now in force or hereafter amended. The Corporation may also make contributions to carry out the purposes of this Corporation to states, territories or possessions of the United States, any political subdivision of the foregoing, or to the United States or the District of Columbia but only for exclusively public purposes.

e. Notwithstanding any other provisions of this Agreement of Association, this Corporation shall not, in the conduct of its affairs:

(1) Engage, otherwise than as an insubstantial part of its activities, in activities which are not in furtherance of one or more of the educational and charitable purposes for which it has been formed.

(2) Devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise.

(3) Participate in, or intervene in, directly or indirectly (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

(4) Permit any part of the assets or the net earnings of the Corporation to inure to the benefit of any Officer, Director or Member of the Corporation, or any private individual, or be appropriated or used for any purposes other than the purposes of the Corporation as herein set forth.

(5) Conduct any other activities not permitted to be carried on by an organization exempt from Federal income tax under Section 501(c) (3) of the Internal Revenue Code of 1954 and contributions to which are deductible under Section 170(c) (2) of said Code, each as now in force or hereafter amended.

f. Except as otherwise required by law, this Agreement of Association and the Articles of Organization of the Corporation may be amended from time to time by the affirmative vote of at least two-thirds of the Members, provided, that no amendment whall authorize or permit the Corporation to be operated otherwise than exclusively for such charitable, educational or scientific purposes as qualify the Corporation for exemption from taxation under Section 501(c) (3) of the Internal Revenue Code of 1954 and as qualify gifts to the corporation as deductible under Section 170(c) (2) of said Code, each as now in force or hereafter amended.

g. The Corporation may at any time merge or consolidate with any other corporation organized for educational, scientific or other charitable purposes upon the affirmative vote of not less than two-thirds of the Members, if and to the extent permitted by the applicable law then in effect.

h. Subject to applicable provisions of law, the corporation may, at any time, dissolve by the affirmative vote of at least two-thirds of its Members, provided that upon such dissolution all the assets of the Corporation (after payments of all debts and other obligations) shall be contributed to a corporation or entity or corporations or entities, each of the nature referred to in Paragraph 4 of these additional provisions.

BY-LAWS

of

ARTICLE I

NAME, LOCATION, AND PURPOSES

Section 1. Name, Location, and Purposes.

The name, the location of the principal office, and the purposes of the Corporation shall be as set forth in the Agreement of Association and these By-laws. The powers of the Corporation and its Board of Directors and Members, and all matters concerning the conduct and regulation of the business of the Corporation shall be subject to such provisions in regard thereto, if any, as are set forth in Agreement of Association; and the Agreement of Association is hereby made a part of these By-laws.

Section 2. Agreement of Association.

All references in these By-laws to the Agreement of Association shall be construed to mean the Agreement of Association of the Corporation as from time to time amended.

ARTICLE II

MEMBERS AND MEMBERSHIP

Section 1. Members.

All persons whose aim and principles are in accord with those of the Corporation and who reside in Cambridge and vicinity may be members of the Corporation, with the right of participation in the activities of the Corporation. No person shall be denied active membership because of race or creed.

Section 2. Termination of Membership.

a. General

The Corporation shall reserve the right to terminate the mambership of any member who obstructs the Corporation in carrying out its purposes as set forth in the Agreement of Association, or who otherwise acts in any manner harmful to the good standing of the Corporation in the Community.

b. Procedure for Termination.

The procedure for terminating a membership shall be as follows:

(1) A petition signed by at least six members shall be submitted to the Board of Directors. Such petition shall state the complaints or charges against the member named in the petition.

(2) The Board of Directors shall afford the member against whom the petition is brought, a full and fair hearing upon any and all charges contained in the petition. After such hearing the Board of Directors may, by a majority vote of those present and voting, dismiss the petition.

(3) If the petition is not dismissed as provided in the preceding subsection, the Board of Directors shall report the petition together with its findings to the full membership at the next regular meeting of the Corporation. After full and fair discussion, the Membership may, by a two-thirds vote of those present and voting, terminate the membership of the person named in the petition.

(4) If such petition is dismissed as provided in the preceding subsection, the six petitioning members may appeal the dismissal to the full membership at the next regular meeting of the Corporation. After full and fair discussion, the membership may, by a two-thirds vote of those present and voting, terminate the membership of the person named in the petition.

c. Resignation of Members.

Any member may resign at any time by filing a written resignation with the Secretary.

Section 3. Dues.

a. The Corporation may require an initiation fee and such dues to be paid at regular intervals as the Board of Directors may from time to time determine.

b. Dues are payable in United States currency or in such equivalent goods and services as the Board of Directors shall in its discretion permit.

c. Initiation fees and dues required from individual members may be waived by the Board of Directors on the basis of financial hardship.

ARTICLE III

MEETINGS OF MEMBERS

Section 1. Location.

All meetings of the members shall be held in Cambridge at such place as the Board of Directors shall designate.

Section 2. Annual Meeting.

The Annual Meeting of the membership shall be held on the first Sunday of the month of November at such hour and place as the Board of Directors may determine. Purposes for which an Annual Meeting is to be held in addition to those prescribed by law, by the Agreement of Association and by these By-laws may be specified by the Board of Directors, or by a writing signed by the President, a quorum of Directors, or by any ten members. If such Annual Meeting is omitted on the day herein provided, a special meeting must be held in place thereof as soon as may be practicable, and any business transacted or elections held at such meeting shall have the same effect as if transacted or held at the Annual Meeting.

Section 3. Regular Meetings.

In addition to the Annual Meeting, there shall be regular meetings of the membership, to be held monthly.

Section 4. Special Meetings.

Special Meetings of the membership may be called by the President upon his own motion or shall be called by the President upon request of any ten members. Such call shall state the time, place and purposes of the meeting.

Section 5. Notice.

A written notice of each meeting of members, be it the annual, regular, or special meetings, stating the place, day and hour thereof and the purposes for which the meeting is to be held, shall be given by the Secretary of the Corporation at least ten days before the meeting by mailing or delivering such notice to each member at his residence or usual place of business, said address being as it appears upon the books of the Corporation. In case of the death, absence, incapacity or refusal of the Secretary to give said notice, such notice may be given by any other Officer or by the Board of Directors.

Section 6. Waiver of Notice.

No notice of the time, place and purpose of any annual, regular or special meeting of the members shall be required if every member entitled to notice thereof, or his attorney thereunto authorized by a writing which is filed with the records of the meeting, waives such notice.

Section 7. Quorum of Members.

At any meeting of the membership, one-third of the members shall constitute a quorum for the consideration of any question, unless otherwise required by law, by the Agreement of Association or by these By-laws, but a lesser number may adjourn. When a quorum is present at any meeting, the affirmative vote of a majority of the members present and voting shall, except where a larger vote is required by law, by Agreement of Association or by these By-laws, decide any question brought before such meeting.

Section 8. Voting of Members.

Every member shall have one vote. Members may vote only in person.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. Membership and Election.

There shall be a Board of Directors which shall consist of the President, the Vice-President, the Secretary, the Treasurer, and seven Members-at-Large. Only members shall be eligible to hold office as Directors. Directors shall be elected at the Annual Meeting of the members and shall hold office for a period of one year and until their successors are chosen and qualified. Directors shall be elected by a majority of the members present and voting.

Section 2. Powers.

The Board of Directors shall have and may exercise all powers of the Corporation except such powers as are conferred upon Members by law, by the Agreement of Association and by these By-laws. However, the membership may at any regular meeting remove any specific power(s) from the Board for any specific period of time, or indefinitely, upon a vote of 2/3 of those present and voting.

Section 3. Meetings.

Regular meetings of the Board of Directors shall be held monthly, unless the Board shall otherwise provide, at such places and at such times as the Board shall determine. Special meetings of the Board may be held at any time and at any place when called by the President or by three or more Directors. Notice of meetings of the Board of Directors shall be sufficient if given orally or in writing at least one week before the meeting by the Secretary.

Section 4. Quorum.

At any meeting of the Directors, a majority of the Directors shall constitute a quorum for the transaction of business, but a lesser number may adjourn. Whenever a quorum is present, the affirmative vote of a majority of the Directors there present shall, except when a larger vote is required by law, by the Agreement of Association or by these By-laws, decide any question brought before such meeting.

ARTICLE V

OFFICERS

Section 1. General.

The Officers shall be a President, Vice President, Secretary and Treasurer, to be elected at the Annual Meeting of members prior to the election for Members-at-Large to be Directors. All Officers shall be Directors, subject to the requirements and qualifications set out in ARTICLE IV, Section 1 of these By-laws.

Section 2. Election of Officers.

Nominations may be made from the floor at the Annual Meeting. Officers shall be elected by a vote of a majority of the active members present and voting. Each Officer shall hold office until the next Annual Meeting and until his successor is chosen and qualified.

Section 3. Original Officers.

Notwithstanding any other provision in these By-laws, the original officers shall be chosen by the Incorporators and thereafter they shall be elected by the members as specified in these By-laws.

ARTICLE VI

REMOVAL OF DIRECTORS AND OFFICERS

At any meeting of the membership, any ten persons may introduce a petition requesting the removal of any Officer or Director and stating therein the reasons for which said Officer or Director is sought to be removed. After full and fair discussion during which any person sought to be removed shall have adequate opportunity to defend himself, the Officer or Director may be removed by a two-thirds vote of the members present and voting, said vote to be conducted at the next meeting of members. Two weeks prior to the introduction of any such petition, copies of such petition shall be mailed to the person or persons named in the petition and to all other members of the Corporation.

ARTICLE VII

DUTIES OF OFFICERS

Section 1. General

Each Officer, subject to these By-laws, shall have in addition to the duties and powers herein set forth, such duties and powers as the Board of Directors may from time to time designate.

Section 2. President.

The President shall be the chief executive officer of the Corporation. He shall preside at all meetings of the members and of the Board of Directors at which he is present.

Section 3. Vice-President.

The Vice-President shall preside at meetings of members and of the Board of Directors in the absence of the President.

Section 4. Secretary.

The Secretary shall keep a copy of the Agreement of Association, a copy of the Articles of Organization, a copy of these By-laws and Articles of Amendment of any of the foregoing, the corporate seal, and a true record of all meetings of members in a book to be kept therefor, which book shall be kept at the principal office of the Corporation and shall be open at all reasonable times to the inspection of any member. The Secretary shall also keep accurate records of the meetings of the Board of Directors and of the Corporation and also a list of all active and honorary members of the Corporation.

Section 5. Treasurer.

The Treasurer shall have general charge of the financial concerns of the Corporation and the care and custody of the funds and valuable papers of the Corporation. He shall keep accurate books of account, which shall be the property of the Corporation, which shall be kept at the principal office of the Corporation and shall be available at reasonable times for inspection by any member. The Treasurer shall present yearly financial reports to the members and such other reports as the Board of Directors may require. The Treasurer shall give a bond to the Corporation, if required by the Directors, in such sum and with such sureties as the Directors may require, for the faithful performance of his duties.

ARTICLE VIII

VACANCIES

If the position of any Officer or Director becomes vacant for any reason, the Board of Directors shall temporarily fill the vacancy by appointing a person to that vacancy. A special election shall be held at the next regular meeting of the Corporation to fill the position. In the case that the Office of President becomes vacant, the Vice-President shall succeed him until the next regular meeting of members when a new Vice-President shall be elected at the next regular meeting of members.

ARTICLE IX

PARLIAMENTARY PROCEDURE

Robert's Rules of Order shall govern any meeting of the membership or of the Board of Directors.

ARTICLE X

CORPORATE SEAL

The seal of the Corporation shall, subject to alteration by the Board of Directors, consist of a flat-faced circular die with the words, "Massachusetts" and "Corporate Seal," together with the name of the Corporation and the year of its organization, cut engraved thereon.

ARTICLE XI

EXECUTION OF PAPERS

All deeds, leases, transfers, contracts, bonds, notes, checks and drafts and other obligations made, accepted and endorsed by the Corporation shall be signed by the President and the Treasurer, except as the Board of Directors may generally or in particular cases authorize the execution thereof in some other manner.

ARTICLE XII

FISCAL YEAR

Except as from time to time otherwise provided by the Board of Directors, the fiscal year of the Corporation shall be the calendar year.

ARTICLE XIII

AMENDMENTS

Section 1.

These By-laws may be altered, amended or repealed by the affirmative vote of a majority of the members present and voting at any annual, regular or special meeting of the membership.

Section 2.

Proposed amendments of these By-laws shall be submitted to the Board of Directors for its approval, at least three weeks before the meeting at which they are to be considered. A copy of all proposed amendments shall be sent to each of the members of the Corporation at least two weeks before the meeting at which they are to be considered.

A TRUE COPY

ATTEST:____________________________
Secretary

WHERE TO GET HELP

Educational Assistance

In forming an alternative school, technical assistance may be needed. Help may be wanted in formulating appropriate and responsive curriculum, in finding innovative teaching materials, in locating the sort of teachers that may be desired in organizing the controlling body, in structuring the school, and in any number of other ways. Such assistance is available.

There are several organizations and institutions which will provide technical assistance and general support to alternative schools. One such organization is the Educational Development Center (EDC), 55 Chapel Street, Newton, Massachusetts, telephone---969-7100. EDC's main thrust is curriculum development and the creation of new and innovative educational materials.

Faculty and students from various graduate schools of education in the Boston area may also be a source of technical assistance for alternative schools. They may provide assistance in the areas of organization and structure as well as curriculum development and teaching techniques. Colleges may also be a source of manpower and assistance if needed. Harvard, Simmons, Boston University, Tufts, Northeastern and Boston College all have schools of education which can be contacted.

Another source of assistance is existing community or alternative schools. Individual schools may be willing to spend time with people who now want to set up their own schools. There is also a Federation of Boston Community Schools located at 76 Highland St., Roxbury 02119, which may provide some additional assistance. Individuals involved in the Warehouse School and the New School have expressed a desire to share their knowledge and experience with those who are just beginning in the process of formulating innovative education.

The basic message and purpose behind this manual is, of course, that education is something which each individual and group must structure for itself. So, even though you will want advice and an opportunity to talk things over with people whose opinions you respect and whose experience is relevant to your goals, remember that there is probably no model which will exactly fit your needs. We have found many helpful people around the state. We include the above simply because we have seen both experts and those seeking advice get carried away with expertise.

You may want to contact some of the following organizations:

Big Rock Candy Mountain, 1115 Merrill St.,
Menlo Park, California 94025 --
puts out a periodic catalogue of
resources for our education.

Learning Center, 90 West Brookline St., Boston -- a place where teachers, students and resources come together informally.

National Association of Community Schools, c/o Don Stocks, 1707 N Street, NW, Washington, D.C. 20036 -- just beginning as a resource for community schools.

New Nation Seed Fund, Box 4026 Philadelphia, Pennsylvania 19118 -- a small bank account formed by George Dennison and others to make small grants for emergencies in new schools.

Afram Associates, Inc., 6872 East 131 St., New York, New York 10037 -- may be a source of curriculum materials for Afro-American Studies.

Massachusetts State OEO Office, Susan Rabinowitz or Polly Stevens may be able to hook you into some technical assistance.

New Schools Exchange, 309 E. Canon Perdido, Santa Barbara, California -- a newsletter of free schools.

E.D.C. (Education Development Center) 55 Chapel Street, Newton, Mass. -- a source of educational materials to meet specific needs.

Education Warehouse, 698 Mass. Ave., Cambridge -- a source of tutoring and college admissions help for poor kids.

Teacher Drop-Out Center, Box 521, Amherst, Massachusetts 01002 -- may prove a useful way to recruit teachers.

See also your local university, public library film loan service, psychiatric and medical clinics, etc., etc., etc.

Other alternative schools -- a list can be found at the end of this section.

The editor of this manual.

Legal Assistance

If you need legal assistance concerning state regulation, certification, building and safety code standards, eligibility for federal or state funding, incorporation, tax exemption or any other legal problem, either go to a private attorney or a legal services office. Most community groups are eligible for legal assistance. On the following pages you will find a list of all such offices in the Commonwealth.

LEGAL SERVICES OFFICES

Berkshire Legal Services (BERK)
156 Dewey Avenue
Pittsfield
1-413-499-1950

Boston College Legal Assistance Bureau (BC)
21 Lexington Street
Waltham, Mass.
893-4793

Boston Legal Assistance Project (BLAP)
84 State Street
Boston, Mass. 02109
742-8930

Allston-Brighton
341 Washington Street
Brighton
254-0313

Dorchester
1486 Dorchester Ave.
Dorchester 02122
436-6292

East Boston
264 Meridian Street
East Boston
569-1661

Grove Hall
474 Blue Hill Avenue
Roxbury
442-0211

Roxbury and Jamaica Plain
2968-70 Washington St.
Roxbury 02119
442-2566

South Boston
393 Dorchester St.
South Boston
268-2272

South End
505 Columbus Ave.
Boston
261-8750

Boston Legal Aid Soceity (BLAS)
14 Somerset Street
Room 810
Boston
227-0200

Cambridge Legal Services (CLS)
12 Howard St.
Cambridge
868-1180

(Legal Services for) Cape
Cod and Islands, Inc. (CAPE)
138 Winter St.
Hyannis 02601
1-775-7020

Wareham
183 Main St.
Wareham
295-2800

Falmouth
64 Doris Straight
Falmouth
540-0047

Harwich
Sisson Road
Harwich
432-3385

Provincetown
Community Center
44 Bradford St.
Provincetown
487-0157

Community and Regional Opportunity
(Legal Assistance) Program (CROP)
193 Main St.
Holyoke
413-536-2420

Community Legal Assistance Office (CLAO)
235 Broadway
Cambridge
492-6250

Fall River Bar Association (FRBA)
1317 South Main Street
Fall River
1-673-9413

Greater Lowell Legal Services, Inc. (GLLS)
45 Merrimack
Lowell
1-459-0551

Meg Connally
Self-Help (CAP)
Centre St., Brockton
1-558-5440

Harvard Legal Aid Bureau (HLAB)
1511 Massachusetts Ave.
Cambridge
868-7600, Extension 4408

Legal Aid Society of Greater Lawrence, Inc. (LASL)
430 N. Canal St.
Lawrence
1-683-4521

Lynn Neighborhood Legal Services, Inc. (LNLS)
56 Central Avenue
Lynn
599-7730

New Bedford Legal Aid Society (NBLA)
13 South Sixth St.
New Bedford
1-992-5013

Onboard, Inc. (ONBD)
222 Union St.
New Bedford
1-996-8576

478 Kempton St.
New Bedford
997-3100

North Suffolk Legal Assistance Association
(NSLA)
317 Broadway
Revere
289-4427

Legal Aid Society of Springfield, Inc. (LASS)
145 State Street, Room 814
Springfield
413-736-0379

Neighborhood Legal Services, Inc. (NLS)
148 Monroe Street
2231 Main Street, Springfield
413-734-8291

Neighborhood Legal Services of Worcester, Inc.
(NLSW)
322 Main Street
Worcester
752-2280

Northern Worcester County Legal Aid Society (NWC)
455 Main Street
Fitchburg 01420
345-1946

Legal Aid Society of Worcester, Inc. (LASW)
311 Main Street
Worcester 01608
1-756-7639

Mass. Law Reform Institute
2 Park Square
Boston
482-0890

The Harvard Center for Law and Education
38 Kirkland St.
Cambridge, Mass. 02138
495-4666

ALTERNATIVE SCHOOLS IN MASSACHUSETTS

Cambridge Community High School
1151 Massachusetts Ave.
Cambridge, Mass. 02139

Central School
264 Broadway
Cambridge, Mass. 02139

Drop in School
36 Belmont Street
Worcester, Mass.

Fayerweather Street School
74r Fayerweather
Cambridge, Mass. 02138

Highland Park Free School
46 Hawthorne St.
Roxbury, Mass. 02119

New School for Children
6 Bradshaw Street
Dorchester, Mass. 02121

Palfrey Street School
119 Palfrey Street
Watertown, Mass. 02172

Roxbury Community School
Box 48 Leland St.
Dorchester, Mass. 02125

Satya School
Box 237
Lincoln, Mass.

Storefront Learning Center
90 W. Brookline St.
Boston, Mass. 02118

Sudbury Valley School
171 Dutton Rd.
Framingham, Mass. 01776

Trout Fishing in America
188 Prospect St.
Cambridge, Mass. 02139

Warehouse Cooperative School
465 Mt. Auburn St.
Watertown, Mass. 02172

Worcester Free School
5 Bishop St.
Worcester, Mass. 01604

Cambridge City Zoo
381 Norfolk St.
Cambridge, Mass.

Neighborhood Day School
74 Fenwood Ave.
Boston, Mass. 02115

Playroom 61
81 Prentis St.
Roxbury Station, Mass. 02120

Study-Travel-Community School
RFD
Box 206
Sheffield, Mass.

Group School
377 Walden St.
Cambridge, Mass. 02138

Federation of Boston Community Schools
76 Highland St.,
Roxbury, Mass. 02119

THIS MANUAL WAS MADE AT THE
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